

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
TACOMA DIVISION

TONY RAY GILBERT,

Plaintiff,

vs.

CAROLYN W. COLVIN,  
Acting Commissioner of Social Security,

Defendant.


Civil No. 3:14-CV-05126-KLS

ORDER

Based on the stipulation of the parties, it is ORDERED that the Commissioner's decision in regard to Plaintiff's application for disability insurance benefits under Title II of the Social Security Act be REVERSED and REMANDED to the Commissioner of Social Security for further administrative proceedings before an Administrative Law Judge, a de novo hearing, and a new decision. On remand, the ALJ will give further consideration to the opinion evidence of record, particularly the opinion of Theresa Van Den Berg, M.D.; reassess the claimant's maximum residual functional capacity; and obtain supplemental vocational expert evidence to assist in determining whether the claimant can perform the physical and mental demands of past relevant work or other work in the national economy on a sustained basis.

1 This Court hereby reverses the Commissioner's decision under sentence four of 42  
2 U.S.C. §405(g) with a remand of the case to the Commissioner for further proceedings. *See*,  
3 *Melkonyan v. Sullivan*, 501 U.S. 89 (1991). Plaintiff will be entitled to reasonable attorney fees  
4 and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), upon proper request  
5 to this Court.

6 DATED this 14<sup>th</sup> day of July, 2014.

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9 Karen L. Strombom  
United States Magistrate Judge

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11 Presented by:

12 s/ Jeffrey R. McClain  
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